

## REMARKS

### Claim Status

Claims 1, 8-10 and 34-38 are pending. Claims 1, 8-10 and 34-38 stand rejected under 35 USC § 102. With this response, no claims are withdrawn, canceled, amended, or added.

### Rejections Under 35 USC § 102 Over Kline

Claims 1, 8-10 and 34-38 stand rejected under 35 USC § 102(a) and (e) as being anticipated by Kline, et al. (US 5,957,908).

Independent claim 1, as previously presented, recites in part:

An article to be worn about a wearer comprising: a surface fastening system...including a first surface fastening element and a second surface fastening element...wherein an unjoined portion of the second fastening element is unjoined from an underlying structure of the article, the unjoined portion including an unjoined dimension Y extending substantially parallel to a longitudinal axis of the article, the unjoined dimension Y increasing from a laterally outboard edge of the unjoined portion to a laterally inboard edge of the unjoined portion.

So, in claim 1, the Applicant claims a portion that is “unjoined.”

The Applicant’s specification clearly defines the term “joined,” by stating:

The backsheet 26 may be joined to the topsheet 24, the absorbent core 28 or any other element of the diaper 20 by any attachment means known in the art. (As used herein, the term “joined” encompasses configurations whereby an element is directly secured to another element by affixing the element directly to the other element, and configurations whereby an element is indirectly secured to another element by affixing the element to intermediate member(s) which in turn are affixed to the other element.) For example, the attachment means may include a uniform continuous layer of adhesive, a patterned layer of adhesive, or an array of separate lines, spirals, or spots of adhesive. One preferred attachment means comprises an open pattern network of filaments of adhesive as disclosed in U.S. Patent 4,573,986 entitled “Disposable Waste-Containment Garment”, which issued to Minetola et al. on March 4, 1986. Other suitable attachment means include several lines of adhesive filaments which are swirled into a spiral pattern, as is illustrated by the apparatus and methods shown in U.S. Patent 3,911,173 issued to Sprague, Jr. on October 7, 1975; U.S. Patent 4,785,996 issued to Ziecker, et al. on November 22, 1978; and U.S. Patent 4,842,666 issued to Werenicz on June 27, 1989. Each of these patents is incorporated herein by reference. Adhesives which have been found to be satisfactory are manufactured by H. B. Fuller Company of St. Paul, Minnesota and marketed as HL-1620 and HL 1358-XZP. Alternatively, the attachment means may comprise heat bonds, pressure bonds, ultrasonic bonds, dynamic mechanical

bonds, or any other suitable attachment means or combinations of these attachment means as are known in the art.

(Page 5, line 28 – page 6, line 12.)

According to the Applicant's specification, the term "joined" includes attachment means. And "attachment means" includes any kind of bonds, including areas with spot bonds. So, the term "joined" includes areas with spot bonds. Obviously, the term "unjoined" means the opposite of "joined." If the term "joined" includes areas with the bonds (such as spot bonds), then the term "unjoined" cannot include areas with bonds (such as spot bonds).

The Office Action cited the Kline '908 reference against claim 1. In particular, the Office Action cited the embodiment of Figure 7 against the unjoined portion in claim 1. The Office Action stated:

With respect to claim 1: Kline discloses an article 20...(Figs. 2, 7), wherein an unjoined portion (namely the portion of the substrate carrying the fastener 30 that is not occupied by bonds 250) is unjoined from an underlying structure of the article, the unjoined portion including an unjoined dimension Y extending substantially parallel to a longitudinal axis of the article, the unjoined dimension Y increasing from a laterally outboard edge of the element unjoined portion to a laterally inboard edge of the element unjoined portion inasmuch as unjoined areas are dispersed between rows of bonds 250 on the ear panels 62, 64...

(Page 3, point 4, emphasis added.) For reference, Figure 7 of the Kline '908 reference is shown below.



The Applicant submits that the low bond zone 254 of the Kline '908 reference does not read on the "unjoined portion" recited in the Applicant's independent claim 1. As explained above, the term "unjoined" cannot be interpreted to include an area with bonds (such as spot bonds). Such an interpretation would be unreasonably broad, inconsistent with plain meaning, and inconsistent with the specification. Accordingly, one of skill in the art would not take the term "unjoined" to include an area with bonds, such as the low bond zone 254.

Therefore, the Kline '908 reference does not include each and every element and limitation of independent claim 1. As a result, the Kline '908 reference does not anticipate claim 1 or the claims that depend therefrom. For this reason, the Applicant respectfully requests reconsideration and withdrawal of the § 102 rejections from claim 1 and the claims that depend therefrom.

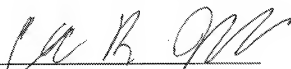
Conclusion

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the cited references. Accordingly, the Applicant respectfully requests reconsideration of this application and allowance of the pending claims.

Respectfully submitted,

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